

94-397-XA

384

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE SPECIAL EXCEPTION

PROPERTY ADDRESS: #808 INGLESIDE AVENUE

SUBDIVISION NAME: J. L. BARNES

PLAT BOOK # 8 FOLIO # 73 LOT # 1 SECTION #

OWNER: JHS GROUP B, LTD.

BUILDING TYPE & USE:

- #808 - 1 STY. BRICK CLEANERS & SHOE REPAIR
- #806 - 1 STY. BRICK MUSIC STORE
- #804 - 2 STY. FRAME BARBER SHOP & TAILOR
- #802 - 2 STY. FRAME HAIR SALON
- #800 - 2 STY. FRAME RESIDENCE
- #21 - 2 STY. FRAME CONSTRUCTION COMPANY
- #20 - 2 STY. FRAME RESIDENCE
- #19 - 2 STY. FRAME RESIDENCE
- #17 - 2 STY. FRAME RESIDENCE

NOTES:

8.0 - DENOTES HEIGHT OF BUILDING TO ROOF LINE.

- ALL BUILDINGS SHOWN ON THIS PLAT ARE EXISTING. THERE ARE NO PROPOSED ADDITIONS TO EXISTING BUILDINGS OR CHANGES IN THEIR USAGE.

DEED REFERENCES:

LOTS RECORDED ON PLAT NO. W.P.C. 8-73 SUBDIVISION - J.L. BARNES

LOT 1 - 6203/631 HENRY & MAYA TUCKER

LOTS 2 THRU 6 - 487/512 BALTO NAT PIKE THEODORE S & ANN M. KUTCHA 8 STY. BRICK MOTEL

LOTS 7 & 8 - 5150/077 THEODORE S & ANN M. KUTCHA

LOT 9 - 1102/344 CHARLES A. & GLADYS E. WITT

LOT 10 - 7732/350 CHARLES J. KARFONTA

LOT 11 - 7008/473 CHARLES J. KARFONTA

LOT 12 - 5729/782 B. BERNARD AUERBACH

LOT 13 - 5237/674 PRIMO & ELISA A. CHINA

LOT 14 - 6214/765 GRACE M. JAEGER



NORTH

DATE: 10/18/93

PREPARED BY: D.E.C.

SCALE OF DRAWING: 1" = 50'

Drafting: J.P.B. DATE: 3/10/94 REVISIONS: CHANGED OWNERS NAME

Check: T.A.C. Design: Check: Check:

3/10/94

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BUILDING ELEVATIONS WITH EXISTING SIGNS

EAST SIDE NORTH SIDE WEST SIDE

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SIGN	FACE	SOFT SIDE	HEIGHT	ILLUMINATED
1	SINGLE	20'x10'x10'	6.5'	NO
2	SINGLE	20'x10'x10'	16.5'	NO
3	SINGLE	15'x20'x10'	6.5'	NO
4	SINGLE	20'x10'x10'	18.5'	NO
5	SINGLE	20'x10'x10'	9.2'	NO
6	SINGLE	20'x10'x10'	14.5'	NO
7	SINGLE	15'x20'x10'	13.0'	NO
8	SINGLE	20'x10'x10'	17.0'	YES
9	SINGLE	20'x10'x10'	17.0'	YES
10	SINGLE	20'x10'x10'	17.0'	YES
11	SINGLE	20'x10'x10'	17.0'	YES
12	SINGLE	20'x10'x10'	17.0'	YES
13	SINGLE	20'x10'x10'	17.0'	YES
14	SINGLE	20'x10'x10'	17.0'	YES
15	SINGLE	20'x10'x10'	17.0'	YES
16	SINGLE	20'x10'x10'	17.0'	YES
17	SINGLE	20'x10'x10'	17.0'	YES
18	SINGLE	20'x10'x10'	17.0'	YES
19	SINGLE	20'x10'x10'	17.0'	YES
20	SINGLE	20'x10'x10'	17.0'	YES
21	SINGLE	20'x10'x10'	17.0'	YES
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30	SINGLE	20'x10'x10'	17.0'	YES
31	SINGLE	20'x10'x10'	17.0'	YES
32	SINGLE	20'x10'x10'	17.0'	YES
33	SINGLE	20'x10'x10'	17.0'	YES
34	SINGLE	20'x10'x10'	17.0'	YES
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36	SINGLE	20'x10'x10'	17.0'	YES
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42	SINGLE	20'x10'x10'	17.0'	YES
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44	SINGLE	20'x10'x10'	17.0'	YES
45	SINGLE	20'x10'x10'	17.0'	YES
46	SINGLE	20'x10'x10'	17.0'	YES
47	SINGLE	20'x10'x10'	17.0'	YES
48	SINGLE	20'x10'x10'	17.0'	YES
49	SINGLE	20'x10'x10'	17.0'	YES
50	SINGLE	20'x10'x10'	17.0'	YES
51	SINGLE	20'x10'x10'	17.0'	YES
52	SINGLE	20'x10'x10'	17.0'	YES
53	SINGLE	20'x10'x10'	17.0'	YES
54	SINGLE	20'x10'x10'	17.0'	YES
55	SINGLE	20'x10'x10'	17.0'	YES
56	SINGLE	20'x10'x10'	17.0'	YES
57	SINGLE	20'x10'x10'	17.0'	YES
58	SINGLE	20'x10'x10'	17.0'	YES
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78	SINGLE	20'x10'x10'	17.0'	YES
79	SINGLE	20'x10'x10'	17.0'	YES
80	SINGLE	20'x10'x10'	17.0'	YES
81	SINGLE	20'x10'x10'	17.0'	YES
82	SINGLE	20'x10'x10'	17.0'	YES
83	SINGLE	20'x10'x10'	17.0'	YES
84	SINGLE	20'x10'x10'	17.0'	YES
85	SINGLE	20'x10'x10'	17.0'	YES
86	SINGLE	20'x10'x10'	17.0'	YES
87	SINGLE	20'x10'x10'	17.0'	YES
88	SINGLE	20'x10'x10'	17.0'	YES
89	SINGLE	20'x10'x10'	17.0'	YES
90	SINGLE	20'x10'x10'	17.0'	YES
91	SINGLE	20'x10'x10'	17.0'	YES
92	SINGLE	20'x10'x10'	17.0'	YES
93	SINGLE	20'x10'x10'	17.0'	YES
94	SINGLE	20'x10'x10'	17.0'	YES
95	SINGLE	20'x10'x10'	17.0'	YES
96	SINGLE	20'x10'x10'	17.0'	YES
97	SINGLE	20'x10'x10'	17.0'	YES
98	SINGLE	20'x10'x10'	17.0'	YES
99	SINGLE	20'x10'x10'	17.0'	YES
100	SINGLE	20'x10'x10'	17.0'	YES

WALL MOUNTED SIGNS - WALL DIMENSIONS

SIGN 1 - 15'0" x 17'0"

SIGN 2 - 15'0" x 17'0"

SIGN 3 - 14'2" x 15'6"

SIGN 4 - 14'2" x 15'6"

SIGN 5 - 14'2" x 15'6"

SIGN 6 - 14'2" x 15'6"

SIGN 7 - 14'2" x 15'6"

SIGN 8 - 14'2" x 15'6"

SIGN 9 - 14'2" x 15'6"

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SIGN 11 - 14'2" x 15'6"

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SIGN 20 - 14'2" x 15'6"

SIGN 21 - 14'2" x 15'6"

SIGN 22 - 14'2" x 15'6"

SIGN 23 - 14'2" x 15'6"

SIGN

**Maryland Department of Transportation
State Highway Administration**

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

4-13-94

Re: Baltimore County
Item No.: 384 (JTS)

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
Bob Small
for *DAVID M. LARSEN, ACTING CHIEF*
John Comersable, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2265 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

**Baltimore County Government
Fire Department**

700 East Joppa Road, Suite 901
Towson, MD 21286-5500 (410) 887-4500

DATE: 04/27/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1102

RE: Property Owner:
LOCATION: SEE BELOW

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

S. The Fire Prevention Bureau has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 374, 377, 378, 379, 380, 381, 383, 384, 385, and 386. *gpl*

RECEIVED
APR 28 1994
ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

DATE: April 26, 1994

SUBJECT: 809 Ingleside Avenue

INFORMATION:

Item Number: 384

Petitioner: JHS Group B, Ltd.

Property Size: _____

Zoning: BM-CCC

Requested Action: _____

Hearing Date: _____

SUMMARY OF RECOMMENDATIONS:

Based on the information provided, staff offers the following comment:

The petitioner's request for an outdoor advertising sign is not consistent with the Planning Office's efforts to reduce sign clutter along major commercial corridors. The requested locational and height variances will add significantly to the visual disarray along Rt. 40 West.

Although this office recognizes the petitioner's desire to advertise this business, which is located 1/4 mile north on Ingleside Avenue, it is recommended that off-premise signs not be permitted.

Prepared by: *Jeffrey W. Long*

Division Chief: *Pat Keller*

PK/BH:pat

ZAC.384/PZONE/ZAC1

Pg. 1

PETITION FOR SPECIAL EXCEPTION

PETITION FOR VARIANCE : BEFORE THE
E/S Ingleside Avenue, 25' S of : ZONING COMMISSIONER
c/1 Frederick Road (808 Ingleside : OF BALTIMORE COUNTY
Avenue), 1st Election Dist., :
1st Councilmanic Dist. : CASE NO: 94-397-XA

PETITIONER : JHS Group B, Ltd.

ENTRY OF APPEARANCE

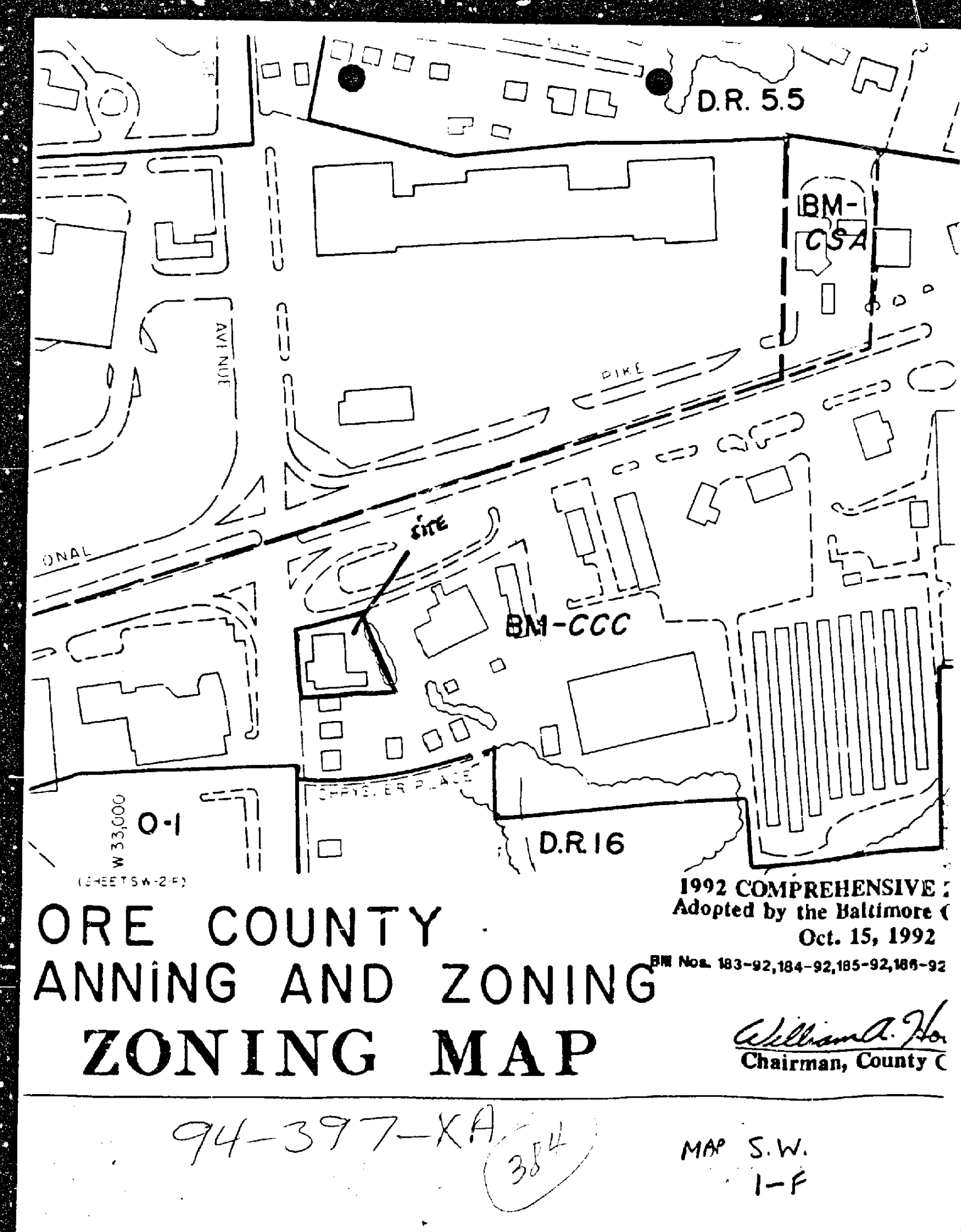
Please enter the appearance of the People's Counsel in the above captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Carole S. Demilio
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-2188

I HEREBY CERTIFY THAT on this 27th day of May, 1994, a copy of the foregoing Entry of Appearance was mailed to Anthony J. DiPaula, Esq., 614 Bosley Avenue, Towson, MD 21204, Attorney for Petitioners.

Peter Max Zimmerman
Peter Max Zimmerman



*Pettitimer's
Exhibits 2A &
2B*

94-397-XA

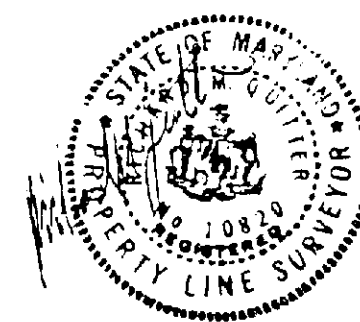


ZONING DESCRIPTION

Beginning at a point on the east side of Ingleside Avenue which is 90'± wide at the distance of 25'± south of the centerline of the nearest improved intersecting street Old Frederick Road which is 30'± wide. Thence the following courses and distances: North 80 degrees 32 minutes 02 seconds East 114.5 feet, South 20 degrees 25 minutes East 135.4 feet, North 87 degrees 47 minutes 17 seconds West 164.1 feet, North 02 degrees 15 minutes 18 seconds East 101.8 feet to the place of beginning as recorded in Deed Liber 6909, Folio 631.

Being Lot #1 in the subdivision of J.L. Barnes as recorded in Baltimore County Plat Book #8 Folio #73, containing 0.367± acres. Also known as #808 Ingleside Avenue and located in the 1st. election district.

93-130
10-15-93



CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 1st Date of Posting: 4/22/94
Posted for: Special Exception & Variance
Petitioner: J.H.S. Group, Limited & Garland's Garden Center
Location of property: 808 Ingleside Ave., 25' S of Old Frederick Rd.
Location of Sign: Front roadway, on property, by sign
Remarks: _____
Posted by: Matthew Date of return: 4/29/94
Number of Signs: 2

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204, on the following date and time:

Case Number: 94-397-XA (Item 384)
808 Ingleside Avenue
25' S of Old Frederick Road
1st Election District
1st Councilmanic
Legal Owner(s): J.H.S. Group B, Limited
Contract Purchaser(s): Garland's Garden Center
HEARING: WEDNESDAY, MAY 18, 1994 at 9:00 a.m., Rm. 106, County Office Building.

Special Exception for the erection and maintenance of an outdoor advertising sign. Variance to allow a two-sided outdoor advertising sign which is zero feet from the nearest other such sign in lieu of the 100 feet as required; and to allow an outdoor advertising sign with a height of 37 feet in lieu of 25 feet as permitted.

LAWRENCE E. SCHMIDT, Zoning Commissioner of Baltimore County. NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 867-3353. (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 867-3391. 4217 April 21.

CERTIFICATE OF PUBLICATION

TOWSON, MD., April 22, 1994
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on April 21, 1994.

THE JEFFERSONIAN,

A. Henriksen
LEGAL AD. - TOWSON

receipt
94-397-XA
Account: R 001-6150
Date: 4-8-94 File Number: 384
J.H.S. Group B, LTD OWNER
By: James H. Sellers, Pres.
LESSEE: Garland's Garden Center
Site: 808 Ingleside Ave.
020 Commercial Variance \$250.00
050 Special Exception 300.00
080 Sign & Posting 35.00
Total: \$585.00
Please Make Checks Payable To: Baltimore County
Cashier Validation

Item Number: 384
Planner: 335
Date Filed: 4-8-94

PETITION PROCESSING FLAG

This petition has been accepted for filing, after an initial review, and has been placed on the agenda for the zoning advisory committee. However, the following items were found to be missing or incomplete when the petition was included on the agenda by Sophia. A copy of this "flag" will be placed in the case file for the Zoning Commissioner's review. The planner that accepted the petition for filing has the option of notifying the petitioner and/or attorney prior to the hearing or Zoning Commissioner's review of the petition regarding the items noted below. If the petitioner/attorney is contacted by the planner, it is the petitioner's ultimate decision and responsibility to make a proper application, address any zoning conflicts, and to file revised petition materials if necessary. Delays and unnecessary additional expenses may be avoided by correcting the petition to the proper form.

Need an attorney

- The following information is missing:
- ☐ Descriptions, including accurate beginning point
 - ☐ Actual address of property
 - ☐ Zoning
 - ☐ Acreage
 - ☐ Plats (need 12, only 1 submitted)
 - ☐ 200 scale zoning map with property outlined
 - ☐ Election district
 - ☐ Councilmanic district
 - ☐ 822R section information and/or wording
 - ☐ Hardship/practical difficulty information
 - ☒ Owner's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
 - ☐ Contract purchaser's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
 - ☐ Signature (need minimum 1 original signature) and/or printed name and/or title of person signing for legal owner/contract purchaser
 - ☐ Power of attorney or authorization for person signing for legal owner and/or contract purchaser
 - ☐ Attorney's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
 - ☐ Notary Public's section is incomplete and/or incorrect and/or commission has expired

PET-FLAG (TTSOPH)
11/17/93

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 867-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- Posting fees will be accessed and paid to this office at the time of filing.
- Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Carl Jahn
ARNOLD JAHN, DIRECTOR

For newspaper advertising:

Item No.: 384
Petitioner: _____
Location: _____
PLEASE FORWARD ADVERTISING BILL TO:
NAME: Anthony J. DiPaola
ADDRESS: 614 Bosley Ave.
Towson MD 21204
PHONE NUMBER: (410) 823-9441

MUST BE SUPPLIED

TO: PUTNEY PUBLISHING COMPANY
April 14, 1994 Issue - Jeffersonian

Please forward billing to:

Anthony J. DiPaola
614 Bosley Avenue
Towson, Maryland 21204
8/5/94

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 115, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-397-XA (Item 384)
808 Ingleside Avenue
25' S of Old Frederick Road
1st Election District - 1st Councilmanic
Legal Owner(s): J.H.S. Group B, Limited
Contract Purchaser(s): Garland's Garden Center
HEARING: WEDNESDAY, MAY 18, 1994 at 9:00 a.m., Rm. 106, County Office Bldg.

Special Exception for the erection and maintenance of an outdoor advertising sign. Variance to allow a two-sided outdoor advertising sign which is zero feet from the nearest other such sign in lieu of 100 feet as required; and to allow an outdoor advertising sign with a height of 37 feet in lieu of 25 feet as permitted.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 867-3353. (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 867-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 867-3353

APRIL 14, 1994

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 115, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

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Carl Jahn
Arnold Jahn
Director

cc: J.H.S. Group B, Ltd.
Garland's Garden Center
Anthony J. DiPaola, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE. (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 867-3353. (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 867-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 867-3353

May 9, 1994

Anthony J. DiPaola, Esquire
Covahey & Boozer, P.A.
614 Bosley Avenue
Towson, Maryland 21207

RE: Case No. 94-397-XA, Item No. 384
Petitioner: J.H.S. Group B, Ltd., et al.
Petition for Variance

Dear Mr. DiPaola:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on April 8, 1994, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

- The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

IN RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE - F/S Ingleside Avenue, 25'S of the c/l of Frederick Road (808 Ingleside Avenue) 1st Election District 1st Councilmanic District JBS Group B, Ltd. Petitioners

* BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 94-397-XA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Exception and Variance for that property known as 808 Ingleside Avenue, located in the Catonsville area of western Baltimore County. The Petitions were filed by the owners of the property, JBS Group B, Ltd., by James H. Sellors, President, and the Contract Purchaser/Lessee, Garland's Garden Center, by Garland Williams, Proprietor, through their attorney, Anthony J. DiPaula, Esquire. The Petitioners seek a special exception for an outdoor advertising sign, as defined in Section 101 of the Baltimore County Zoning Regulations (B.C.Z.R.), to be placed on the subject property, pursuant to Section 413.3 of the B.C.Z.R., and variance relief from Section 413.3.F of the B.C.Z.R. to permit a two-sided outdoor advertising sign, as defined in Section 101, which is 0 feet from the nearest other such sign in lieu of the required distance of 100 feet, and from Section 413.5 of the B.C.Z.R. to permit a height for said sign of 35 feet in lieu of the maximum permitted 25 feet. The subject property and relief sought are more particularly described on the site plan submitted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite hearing held for this matter were Garland Williams on behalf of Garland's Garden Center, Tom Church, Develop-

ment Engineering Consultant, and Anthony J. DiPaula, Esquire, attorney for the Petitioners. There were no Protestants present.

Testimony and evidence presented indicated that the subject property, known as 808 Ingleside Avenue, consists of 0.367 acres, zoned B.M.-C.C.C. and is improved with a one story brick building which is the site of a dry cleaning and shoe repair business. The property is located on the southeast corner of the intersection of Ingleside Avenue and Baltimore National Pike. The Petitioners are desirous of placing a directional sign on the property in the location shown on Petitioner's Exhibit 1 to advertise Garland's Garden Center, which is located eight (8) blocks away from the above-referenced intersection. Garland Williams, Proprietor of Garland's Garden Center, testified that he has operated his business on Ingleside Avenue for the past 20 years. He considers himself to be a local establishment, employing up to 55 individuals from this area of Baltimore County. Mr. Williams testified that competition in his line of business has increased due to the opening of a Home Depot nearby and the future opening of a Wal-Mart in the same vicinity. He believes that a directional sign is necessary in order to attract customers to his business inasmuch as Garland's is not located on a main road, such as Baltimore National Pike. Mr. Williams further believes that the much larger Home Depot and Wal-Mart will have a substantial deleterious effect upon his establishment and that the proposed sign is necessary in order for him to stay in business due to the increased competition.

It is clear that the B.C.Z.R. permits the use proposed in a B.M.-C.C.C. zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. There-

fore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special exception and variances should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 8th day of June, 1994 that the Petition for Special Exception for an outdoor advertising sign, as defined in Section 101

- 2 -

- 3 -

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of the Baltimore County Zoning Regulations (B.C.Z.R.), to be placed on the subject property, pursuant to Section 413.3 of the B.C.Z.R., in accordance with Petitioner's Exhibit 1, and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance relief from Section 413.3.F of the B.C.Z.R. to permit a two-sided outdoor advertising sign, as defined in Section 101, which is 0 feet from the nearest other such sign in lieu of the required distance of 100 feet, and from Section 413.5D of the B.C.Z.R. to permit a height for said sign of 35 feet in lieu of the maximum permitted 25 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their sign permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) The special exception and variance relief granted herein is limited to a sign advertising Garland's Garden Center, only. There shall be no other advertising matter placed upon this sign. In the event that Garland's Garden Center no longer operates from its present location at 1109 Ingleside Avenue, then the subject sign shall be removed and the special exception and variances granted herein shall cease and terminate.
- 3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

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Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

June 8, 1994

(410) 887-4386

Anthony J. DiPaula, Esquire
Covahey & Booser, P.A.
614 Bosley Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE
F/S Ingleside Avenue, 25'S of the c/l of Frederick Road
(808 Ingleside Avenue)
1st Election District - 1st Councilmanic District
JBS Group B, Ltd. - Petitioners
Case No. 94-397-XA

Dear Mr. DiPaula:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,
Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Garland Williams
Garland's Garden Center, 1109 Ingleside Avenue, Baltimore, Md. 21207

Mr. James H. Sellors, President
JBS Group B, Ltd., 1071 Trails End Road, Pasadena, Md. 21122

People's Counsel

File

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

74-397-XA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for the erection and maintenance of an outdoor advertising sign as defined in B.C.Z.R. 101, pursuant to B.C.Z.R. 413.3

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Garland's Garden Center

(Type or Print Name)

By: Garland Williams

Signature

1109 Ingleside Avenue

Address

Baltimore, MD 21207

City and State

Attorney for Petitioner:

Anthony J. DiPaula

(Type or Print Name)

Covahey & Booser, P.A.

Signature

614 Bosley Avenue

Address

Towson, MD 21204

City and State

Attorney's Telephone No.: 828-9441

Legal Owner(s):

JBS Group B, Ltd.

(Type or Print Name)

By: James H. Sellors

Signature

James H. Sellors, Pres.

(Type or Print Name)

Signature

1071 Trails End Road

Address

Pasadena, MD 21122

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Name

Address

Phone No.

Office Use Only

ESTIMATED LENGTH OF HEARING AVAILABLE FOR HEARING

MON./TUES./WED. - NEXT TWO MONTHS

ALL OTHER

REVIEWED BY: TMK DATE 4-8-94



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 808 Ingleside Avenue

which is presently zoned BM-CCC

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 413.3F to allow a two-sided outdoor advertising sign (as defined in Sec. 101) which is 0 feet from the nearest other such sign in lieu of 100 feet as required; and Section 413.5D to allow an outdoor advertising sign with a height of 35 feet in lieu of 25 feet as permitted.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

The business being advertised is located other than on the subject property and does not abut a major roadway. The variances will allow the sign to be visible over the buildings on site to traffic at the major intersection at the property.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of the petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County, adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

Garland's Garden Center

(Type or Print Name)

By: Garland Williams

Signature

1109 Ingleside Avenue

Address

Baltimore, MD 21207

City and State

Attorney for Petitioner:

Anthony J. DiPaula

(Type or Print Name)

Covahey & Booser, P.A.

Signature

614 Bosley Avenue

Address

Towson, MD 21204

City and State

Attorney's Telephone No.: 828-9441

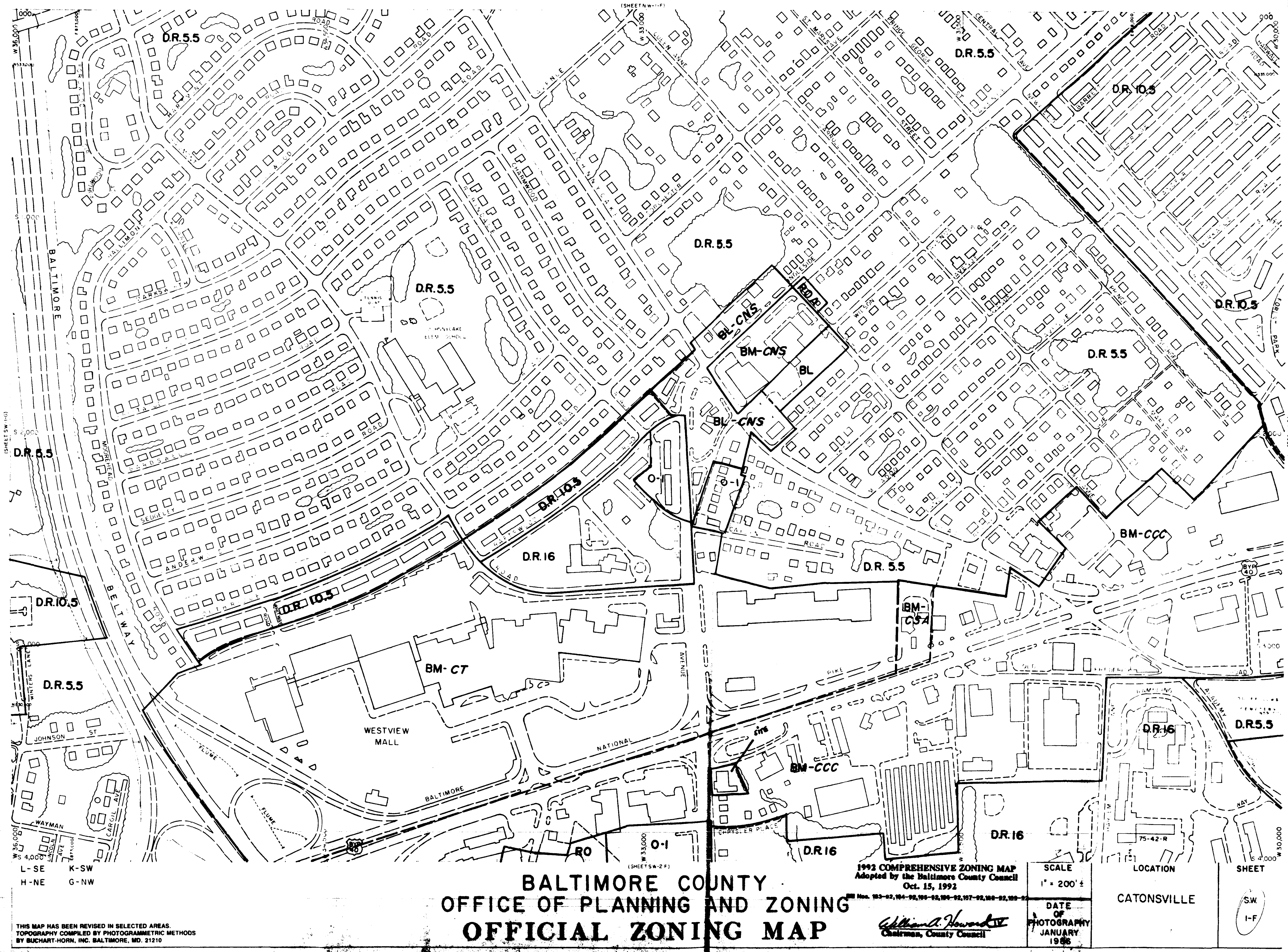
Office Use Only

ESTIMATED LENGTH OF HEARING AVAILABLE FOR HEARING

MON./TUES./WED. - NEXT TWO MONTHS

ALL OTHER

REVIEWED BY: TMK DATE 4-8-94



94-397-XA

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PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☒ SPECIAL EXCEPTION

PROPERTY ADDRESS: #808 INGLESIDE AVENUE

SUBDIVISION NAME: J. L. BARNES

PLAT BOOK # 8 FOLIO # 73 LOT # 1 SECTION #

OWNER: JHS GROUP B, LTD.

BUILDING TYPE & USE:

- #808 - 1 STY. BRICK CLEANERS & SHOE REPAIR
- #806 - 1 STY. BRICK MUSIC STORE
- #804 - 2 STY. FRAME BARBER SHOP & TAILOR
- #802 - 2 STY. FRAME HAIR SALON
- #800 - 2 STY. FRAME RESIDENCE
- #21 - 2 STY. FRAME CONSTRUCTION COMPANY
- #20 - 2 STY. FRAME RESIDENCE
- #19 - 2 STY. FRAME RESIDENCE
- #17 - 2 STY. FRAME RESIDENCE

NOTES:

8.0 - DENOTES HEIGHT OF BUILDING TO ROOF LINE.

- ALL BUILDINGS SHOWN ON THIS PLAT ARE EXISTING. THERE ARE NO PROPOSED ADDITIONS TO EXISTING BUILDINGS OR CHANGES IN THEIR USAGE.

DEED REFERENCES:

LOTS RECORDED ON PLAT NO. W.P.C. 8-73 SUBDIVISION - J. L. BARNES

LOT 1 - 6203/631 HENRY & MAYA TUCKER

LOTS 2 THRU 6 - 487/512 BALTO NAT PIKE THEODORE S & ANN M. KUTCHA 8 STY. BRICK MOTEL

LOTS 7 & 8 - 5150/077 THEODORE S & ANN M. KUTCHA

LOT 9 - 1102/344 CHARLES A. & GLADYS E. WITT

LOT 10 - 7732/350 CHARLES J. KARFONTA

LOT 11 - 7008/473 CHARLES J. KARFONTA

LOT 12 - 5729/782 B. BERNARD AUERBACH

LOT 13 - 5237/674 PRIMO & ELISA A. CHINA

LOT 14 - 6214/765 GRACE M. JAEGER



NORTH

DATE: 10/18/93

PREPARED BY: D.E.C.

SCALE OF DRAWING: 1" = 50'

Drafting: J.P.B. DATE: 3/10/94 REVISIONS: CHANGED OWNERS NAME

Check: T.A.C. Design: Check: Check:

3/10/94

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BUILDING ELEVATIONS WITH EXISTING SIGNS

EAST SIDE NORTH SIDE WEST SIDE

SCALE: 1" = 40'

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SIGN	FACE	SOFT SIDE	HEIGHT	ILLUMINATED
1	SINGLE	20'x10'x10'	6.5'	NO
2	SINGLE	20'x10'x10'	16.5'	NO
3	SINGLE	15'x20'x10'	6.5'	NO
4	SINGLE	20'x10'x10'	18.5'	NO
5	SINGLE	20'x10'x10'	9.2'	NO
6	SINGLE	20'x10'x10'	14.5'	NO
7	SINGLE	15'x20'x10'	13.0'	NO
8	SINGLE	20'x10'x10'	17.0'	YES
9	SINGLE	20'x10'x10'	17.0'	YES
10	SINGLE	20'x10'x10'	17.0'	YES
11	SINGLE	20'x10'x10'	17.0'	YES
12	SINGLE	20'x10'x10'	17.0'	YES
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21	SINGLE	20'x10'x10'	17.0'	YES
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25	SINGLE	20'x10'x10'	17.0'	YES
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44	SINGLE	20'x10'x10'	17.0'	YES
45	SINGLE	20'x10'x10'	17.0'	YES
46	SINGLE	20'x10'x10'	17.0'	YES
47	SINGLE	20'x10'x10'	17.0'	YES
48	SINGLE	20'x10'x10'	17.0'	YES
49	SINGLE	20'x10'x10'	17.0'	YES
50	SINGLE	20'x10'x10'	17.0'	YES
51	SINGLE	20'x10'x10'	17.0'	YES
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58	SINGLE	20'x10'x10'	17.0'	YES
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61	SINGLE	20'x10'x10'	17.0'	YES
62	SINGLE	20'x10'x10'	17.0'	YES
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64	SINGLE	20'x10'x10'	17.0'	YES
65	SINGLE	20'x10'x10'	17.0'	YES
66	SINGLE	20'x10'x10'	17.0'	YES
67	SINGLE	20'x10'x10'	17.0'	YES
68	SINGLE	20'x10'x10'	17.0'	YES
69	SINGLE	20'x10'x10'	17.0'	YES
70	SINGLE	20'x10'x10'	17.0'	YES
71	SINGLE	20'x10'x10'	17.0'	YES
72	SINGLE	20'x10'x10'	17.0'	YES
73	SINGLE	20'x10'x10'	17.0'	YES
74	SINGLE	20'x10'x10'	17.0'	YES
75	SINGLE	20'x10'x10'	17.0'	YES
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95	SINGLE	20'x10'x10'	17.0'	YES
96	SINGLE	20'x10'x10'	17.0'	YES
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98	SINGLE	20'x10'x10'	17.0'	YES
99	SINGLE	20'x10'x10'	17.0'	YES
100	SINGLE	20'x10'x10'	17.0'	YES

WALL MOUNTED SIGNS - WALL DIMENSIONS
SIGN 1: 15'0" x 17'0"
SIGN 2: 15'0" x 17'0"
SIGN 3: 14'2" x 15'6"
SIGN 4: 14'2" x 15'6"
SIGN 5: 14'2" x 15'6"
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SIGN 81: 14'2" x 15'6"
SIGN 82: 14'2" x 15'6"
SIGN 83: 14'2"

**Maryland Department of Transportation
State Highway Administration**

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

4-13-94

Re: Baltimore County
Item No. 4384 (JTS)

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
Bob Small
for *DAVID M. LARNEY, ACTING CHIEF*
John Comersable, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2265 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

**Baltimore County Government
Fire Department**

700 East Joppa Road, Suite 901
Towson, MD 21286-5500 (410) 887-4500

DATE: 04/27/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1102

RE: Property Owner:
LOCATION: SEE BELOW

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

S. The Fire Prevention Bureau has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 374, 377, 378, 379, 380, 381, 383, 384, 385, and 386. *gpl*

RECEIVED
APR 28 1994
ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

DATE: April 26, 1994

SUBJECT: 809 Ingleside Avenue

INFORMATION:

Item Number: 384

Petitioner: JHS Group B, Ltd.

Property Size: _____

Zoning: BM-CCC

Requested Action: _____

Hearing Date: _____

SUMMARY OF RECOMMENDATIONS:

Based on the information provided, staff offers the following comment:

The petitioner's request for an outdoor advertising sign is not consistent with the Planning Office's efforts to reduce sign clutter along major commercial corridors. The requested locational and height variances will add significantly to the visual disarray along Rt. 40 West.

Although this office recognizes the petitioner's desire to advertise this business, which is located 1/4 mile north on Ingleside Avenue, it is recommended that off-premise signs not be permitted.

Prepared by: *Jeffrey W. Long*

Division Chief: *Pat Keller*

PK/BH:pat

ZAC.384/PZONE/ZAC1

Pg. 1

PETITION FOR SPECIAL EXCEPTION

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY

PETITIONER: JHS Group B, Ltd.

CASE NO: 94-397-XA

ENTRY OF APPEARANCE

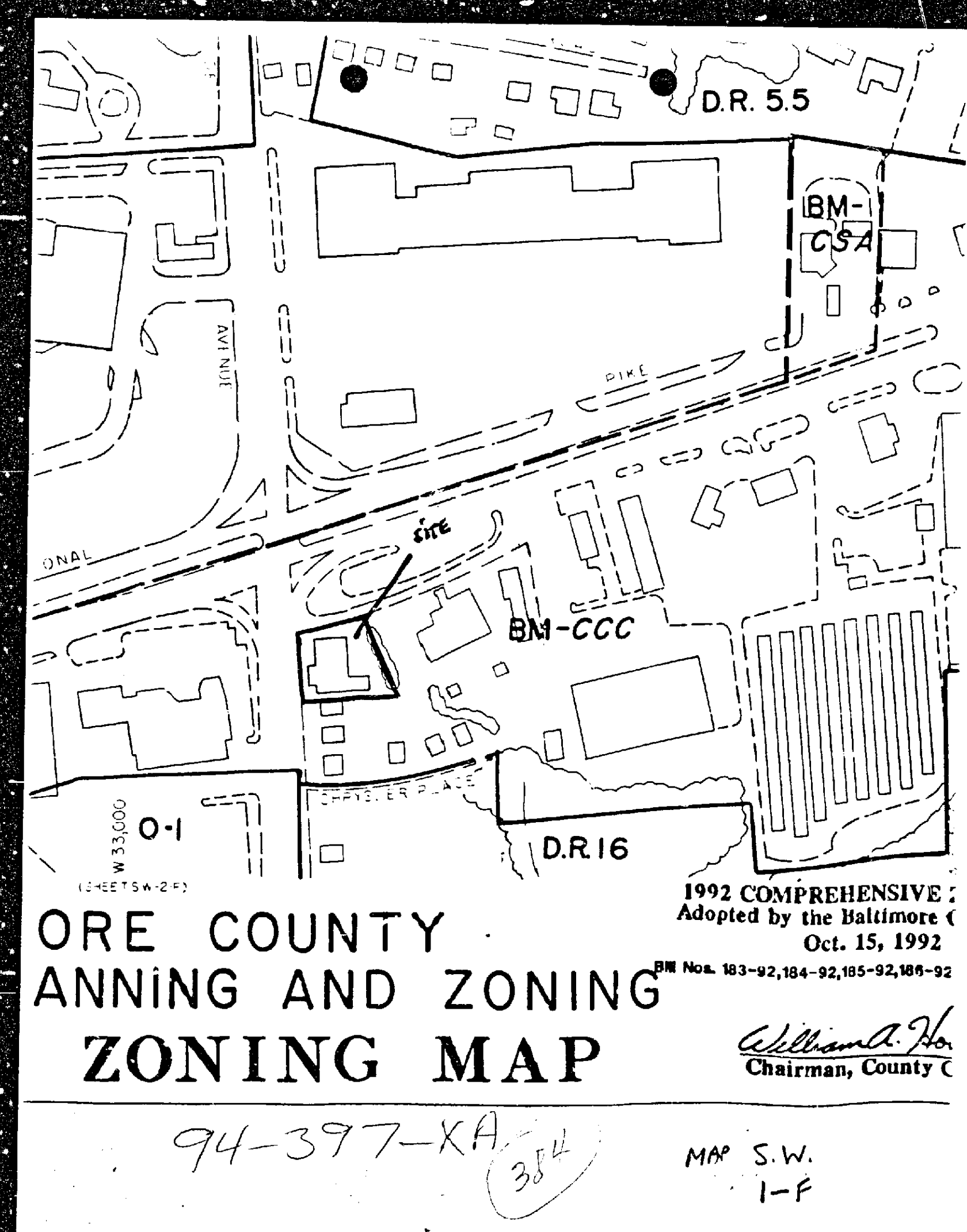
Please enter the appearance of the People's Counsel in the above captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Carole S. Demilio
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-2188

I HEREBY CERTIFY THAT on this 27th day of May, 1994, a copy of the foregoing Entry of Appearance was mailed to Anthony J. DiPaula, Esq., 614 Bosley Avenue, Towson, MD 21204, Attorney for Petitioners.

Peter Max Zimmerman
Peter Max Zimmerman



*Pettitimer's
Exhibits 2A &
2B*

94-397-XA



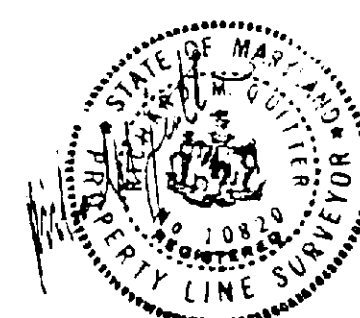
ZONING DESCRIPTION

Beginning at a point on the east side of Ingleside Avenue which is 90'± wide at the distance of 25'± south of the centerline of the nearest improved intersecting street Old Frederick Road which is 30'± wide. Thence the following courses and distances:

North 80 degrees 32 minutes 02 seconds East 114.5 feet, South 20 degrees 25 minutes East 135.4 feet, North 87 degrees 47 minutes 17 seconds West 164.1 feet, North 02 degrees 15 minutes 18 seconds East 101.8 feet to the place of beginning as recorded in Deed Liber 6909, Folio 631.

Being Lot #1 in the subdivision of J.L. Barnes as recorded in Baltimore County Plat Book #8 Folio #73, containing 0.367± acres. Also known as #808 Ingleside Avenue and located in the 1st. election district.

93-130
10-15-93



CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 1st Date of Posting: 4/22/94
Posted for: Special Exception & Variance
Petitioner: J.H.S. Group, Limited & Garland's Garden Center
Location of property: 808 Ingleside Ave., 25' S of Old Frederick Rd.
Location of Sign: Front Roadway, on property, by sign
Remarks: _____
Posted by: Matthew Date of return: 4/29/94
Number of Signs: 2

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204, on the following date:

Case Number: 94-397-XA (Item 384)
808 Ingleside Avenue
25' S of Old Frederick Road
1st Election District
1st Councilmanic District
Legal Owner(s): J.H.S. Group B, Limited
Contract Purchaser(s): Garland's Garden Center
HEARING: WEDNESDAY, MAY 18, 1994 at 9:00 a.m., Rm. 106, County Office Building.

Special Exception for the erection and maintenance of an outdoor advertising sign. Variance to allow a two-sided outdoor advertising sign which is zero feet from the nearest other such sign in lieu of the 100 feet as required; and to allow an outdoor advertising sign with a height of 37 feet in lieu of 25 feet as permitted.

LAWRENCE E. SCHMIDT, Zoning Commissioner of Baltimore County. NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 867-3353. (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 867-3391.

CERTIFICATE OF PUBLICATION

TOWSON, MD., April 22, 1994
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on April 21, 1994.

THE JEFFERSONIAN,

A. Henriksen
LEGAL AD. - TOWSON

receipt
94-397-XA
Account: R 001-6150
Date: 4-8-94 File Number: 384
J.H.S. Group B, LTD OWNER
By: James H. Sellers, Pres.
LESSEE: Garland's Garden Center
Site: 808 Ingleside Ave.
020 Commercial Variance \$250.00
050 Special Exception 300.00
080 Sign & Posting 35.00
Total: \$585.00
Please Make Checks Payable To: Baltimore County
Cashier Validation

Item Number: 384
Planner: 335
Date Filed: 4-8-94

PETITION PROCESSING FLAG

This petition has been accepted for filing, after an initial review, and has been placed on the agenda for the zoning advisory committee. However, the following items were found to be missing or incomplete when the petition was included on the agenda by Sophia. A copy of this "flag" will be placed in the case file for the Zoning Commissioner's review. The planner that accepted the petition for filing has the option of notifying the petitioner and/or attorney prior to the hearing or Zoning Commissioner's review of the petition regarding the items noted below. If the petitioner/attorney is contacted by the planner, it is the petitioner's ultimate decision and responsibility to make a proper application, address any zoning conflicts, and to file revised petition materials if necessary. Delays and unnecessary additional expenses may be avoided by correcting the petition to the proper form.

Need an attorney

- The following information is missing:
- ☐ Descriptions, including accurate beginning point
 - ☐ Actual address of property
 - ☐ Zoning
 - ☐ Acreage
 - ☐ Plats (need 12, only 1 submitted)
 - ☐ 200 scale zoning map with property outlined
 - ☐ Election district
 - ☐ Councilmanic district
 - ☐ 822R section information and/or wording
 - ☐ Hardship/practical difficulty information
 - ☒ Owner's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
 - ☐ Contract purchaser's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
 - ☐ Signature (need minimum 1 original signature) and/or printed name and/or title of person signing for legal owner/contract purchaser
 - ☐ Power of attorney or authorization for person signing for legal owner and/or contract purchaser
 - ☐ Attorney's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
 - ☐ Notary Public's section is incomplete and/or incorrect and/or commission has expired

PET-FLAG (TTSOPH)
11/17/93

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 867-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- Posting fees will be accessed and paid to this office at the time of filing.
- Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Carl Jahn
ARNOLD JAHN, DIRECTOR

For newspaper advertising:

Item No.: 384
Petitioner: _____
Location: _____
PLEASE FORWARD ADVERTISING BILL TO:
NAME: Anthony J. DiPaola
ADDRESS: 614 Bosley Ave.
Towson MD 21204
PHONE NUMBER: (410) 823-9441

MUST BE SUPPLIED

TO: PUTNEY PUBLISHING COMPANY
April 14, 1994 Issue - Jeffersonian

Please forward billing to:

Anthony J. DiPaola
614 Bosley Avenue
Towson, Maryland 21204
867-9441

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 115, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-397-XA (Item 384)
808 Ingleside Avenue
25' S of Old Frederick Road
1st Election District - 1st Councilmanic District
Legal Owner(s): J.H.S. Group B, Limited
Contract Purchaser(s): Garland's Garden Center
HEARING: WEDNESDAY, MAY 18, 1994 at 9:00 a.m., Rm. 106, County Office Bldg.

Special Exception for the erection and maintenance of an outdoor advertising sign. Variance to allow a two-sided outdoor advertising sign which is zero feet from the nearest other such sign in lieu of 100 feet as required; and to allow an outdoor advertising sign with a height of 37 feet in lieu of 25 feet as permitted.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 867-3353. (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 867-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 867-3353

APRIL 14, 1994

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 115, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-397-XA (Item 384)
808 Ingleside Avenue
25' S of Old Frederick Road
1st Election District - 1st Councilmanic District
Legal Owner(s): J.H.S. Group B, Limited
Contract Purchaser(s): Garland's Garden Center
HEARING: WEDNESDAY, MAY 18, 1994 at 9:00 a.m., Rm. 106, County Office Bldg.

Special Exception for the erection and maintenance of an outdoor advertising sign. Variance to allow a two-sided outdoor advertising sign which is zero feet from the nearest other such sign in lieu of 100 feet as required; and to allow an outdoor advertising sign with a height of 37 feet in lieu of 25 feet as permitted.

Carl Jahn
Arnold Jahn
Director

cc: J.H.S. Group B, Ltd.
Garland's Garden Center
Anthony J. DiPaola, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE. (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 867-3353. (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 867-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 867-3353

May 9, 1994

Anthony J. DiPaola, Esquire
Covahey & Boozer, P.A.
614 Bosley Avenue
Towson, Maryland 21207

RE: Case No. 94-397-XA, Item No. 384
Petitioner: J.H.S. Group B, Ltd., et al.
Petition for Variance

Dear Mr. DiPaola:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on April 8, 1994, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

- The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

IN RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE - E/S Ingleside Avenue, 25'S of the c/l of Frederick Road (808 Ingleside Avenue) 1st Election District 1st Councilmanic District JRS Group B, Ltd. Petitioners

BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 94-397-XA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Exception and Variance for that property known as 808 Ingleside Avenue, located in the Catonsville area of western Baltimore County. The Petitions were filed by the owners of the property, JRS Group B, Ltd., by James H. Sellors, President, and the Contract Purchaser/Lessee, Garland's Garden Center, by Garland Williams, Proprietor, through their attorney, Anthony J. DiPaula, Esquire. The Petitioners seek a special exception for an outdoor advertising sign, as defined in Section 101 of the Baltimore County Zoning Regulations (B.C.Z.R.), to be placed on the subject property, pursuant to Section 413.3 of the B.C.Z.R., and variance relief from Section 413.3.F of the B.C.Z.R. to permit a two-sided outdoor advertising sign, as defined in Section 101, which is 0 feet from the nearest other such sign in lieu of the required distance of 100 feet, and from Section 413.5 of the B.C.Z.R. to permit a height for said sign of 35 feet in lieu of the maximum permitted 25 feet. The subject property and relief sought are more particularly described on the site plan submitted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite hearing held for this matter were Garland Williams on behalf of Garland's Garden Center, Tom Church, Develop-

ment Engineering Consultant, and Anthony J. DiPaula, Esquire, attorney for the Petitioners. There were no Protestants present.

Testimony and evidence presented indicated that the subject property, known as 808 Ingleside Avenue, consists of 0.367 acres, zoned B.M.-C.C.C. and is improved with a one story brick building which is the site of a dry cleaning and shoe repair business. The property is located on the southeast corner of the intersection of Ingleside Avenue and Baltimore National Pike. The Petitioners are desirous of placing a directional sign on the property in the location shown on Petitioner's Exhibit 1 to advertise Garland's Garden Center, which is located eight (8) blocks away from the above-referenced intersection. Garland Williams, Proprietor of Garland's Garden Center, testified that he has operated his business on Ingleside Avenue for the past 20 years. He considers himself to be a local establishment, employing up to 55 individuals from this area of Baltimore County. Mr. Williams testified that competition in his line of business has increased due to the opening of a Home Depot nearby and the future opening of a Wal-Mart in the same vicinity. He believes that a directional sign is necessary in order to attract customers to his business inasmuch as Garland's is not located on a main road, such as Baltimore National Pike. Mr. Williams further believes that the much larger Home Depot and Wal-Mart will have a substantial deleterious effect upon his establishment and that the proposed sign is necessary in order for him to stay in business due to the increased competition.

It is clear that the B.C.Z.R. permits the use proposed in a B.M.-C.C.C. zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. There-

fore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special exception and variances should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 8th day of June, 1994 that the Petition for Special Exception for an outdoor advertising sign, as defined in Section 101

- 2 -

- 3 -

- 4 -

of the Baltimore County Zoning Regulations (B.C.Z.R.), to be placed on the subject property, pursuant to Section 413.3 of the B.C.Z.R., in accordance with Petitioner's Exhibit 1, and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance relief from Section 413.3.F of the B.C.Z.R. to permit a two-sided outdoor advertising sign, as defined in Section 101, which is 0 feet from the nearest other such sign in lieu of the required distance of 100 feet, and from Section 413.5.D of the B.C.Z.R. to permit a height for said sign of 35 feet in lieu of the maximum permitted 25 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their sign permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) The special exception and variance relief granted herein is limited to a sign advertising Garland's Garden Center, only. There shall be no other advertising matter placed upon this sign. In the event that Garland's Garden Center no longer operates from its present location at 1109 Ingleside Avenue, then the subject sign shall be removed and the special exception and variances granted herein shall cease and terminate.
- 3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

- 5 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

June 8, 1994

(410) 887-4386

Anthony J. DiPaula, Esquire
Covahey & Booser, P.A.
614 Bosley Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE
E/S Ingleside Avenue, 25'S of the c/l of Frederick Road
(808 Ingleside Avenue)
1st Election District - 1st Councilmanic District
JRS Group B, Ltd. - Petitioners
Case No. 94-397-XA

Dear Mr. DiPaula:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,
Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Garland Williams
Garland's Garden Center, 1109 Ingleside Avenue, Baltimore, Md. 21207

Mr. James H. Sellors, President
JRS Group B, Ltd., 1071 Trails End Road, Pasadena, Md. 21122

People's Counsel

File

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

74-397-XA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for the erection and maintenance of an outdoor advertising sign as defined in B.C.Z.R. 101, pursuant to B.C.Z.R. 413.3.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Garland's Garden Center

(Type or Print Name)

By: Garland Williams

Signature

1109 Ingleside Avenue

Address

Baltimore, MD 21207

City and State

Attorney for Petitioner:

Anthony J. DiPaula

(Type or Print Name)

Signature

614 Bosley Avenue

Address

Towson, MD 21204

City and State

Attorney's Telephone No.: 828-9441

Legal Owner(s):

JRS Group B, Ltd.

(Type or Print Name)

By: James H. Sellors

Signature

James H. Sellors, Pres.

(Type or Print Name)

Signature

1071 Trails End Road

Address

Pasadena, MD 21122

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Name

Address

Phone No.

ESTIMATED LENGTH OF HEARING AVAILABLE FOR HEARING

ALL MON./TUES./WED. - NEXT TWO MONTHS

REVIEWED BY: TMK DATE: 4-8-94



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 808 Ingleside Avenue

which is presently zoned BM-CCC

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 413.3F to allow a two-sided outdoor advertising sign (as defined in Sec. 101) which is 0 feet from the nearest other such sign in lieu of 100 feet as required; and Section 413.5D to allow an outdoor advertising sign with a height of 35 feet in lieu of 25 feet as permitted.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

The business being advertised is located other than on the subject property and does not abut a major roadway. The variances will allow the sign to be visible over the buildings on site to traffic at the major intersection at the property.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of the petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County, adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

Garland's Garden Center

(Type or Print Name)

By: Garland Williams

Signature

1109 Ingleside Avenue

Address

Baltimore, MD 21207

City and State

Attorney for Petitioner:

Anthony J. DiPaula

(Type or Print Name)

Signature

614 Bosley Avenue

Address

Towson, MD 21204

City and State

Attorney's Telephone No.: 828-9441

JRS Group B, Ltd.

(Type or Print Name)

By: James H. Sellors

Signature

James H. Sellors, Pres.

(Type or Print Name)

Signature

1071 Trails End Road

Address

Pasadena, MD 21122

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Name

Address

Phone No.

ESTIMATED LENGTH OF HEARING AVAILABLE FOR HEARING

ALL MON./TUES./WED. - NEXT TWO MONTHS

REVIEWED BY: TMK DATE: 4-8-94